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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,402	11/19/2003	Yong-Hyun Lee	1349.1330	5308

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/715,402	Applicant(s) LEE ET AL.	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-26 and 28-34 is/are pending in the application.
 4a) Of the above claim(s) 6-21 and 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,22,24,25,29 is/are rejected.
- 7) ☒ Claim(s) 3-5,23,26 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 6 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant had previously withdrawn claim 6 without traverse on 9/9/2005 following the requirement filed 8/11/2005.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 6 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments and Amendments

2. Due to Applicant's arguments, all previous 35 USC 112 2nd paragraph rejections are hereby withdrawn.

Applicant's arguments regarding claim 23 have been fully considered and are persuasive. Therefore, the previous rejection of claim 23 as being unpatentable over Yun in view of Sakakura is hereby withdrawn.

Due to Applicant's amendments, all previous rejections of claims anticipated by Shiau and Ogawa are hereby withdrawn. The Examiner, however, points out that Applicant argues Shiau does not disclose "a scanner unit scanning data recorded on a sheet of a document". The Examiner points out that this recitation is not in the claims.

Applicant's arguments regarding Yun have been fully considered but they are not persuasive. Applicant argues Yun fails to disclose "a scanner driving part". The Examiner disagrees. Firstly, the invention is directed towards a facsimile machine, which are well known in the art to have scanning and printing capabilities. Secondly, element 89 is in fact a scanner driving part as described in C5/L37-58, and more specifically C5/L55-58, as cited in the previous Action. Applicant further argues Yun fails to disclose "a first actuating lever disposed on a moving path of a carrier". In response, element 82 has been cited as the first actuating lever. Applicant finally argues Yun fails to disclose "a first clutch disposed with the driving motor..." (P14/L16-22 of Applicant's arguments). The Examiner disagrees because a clutch is merely defined as a device for gripping.

Applicant's arguments regarding Sakakura have been fully considered but they are not persuasive. Applicant argues Sakakura fails to disclose "...elastic members disposed between the idle gears and the swing lever to contact the idle gears closely to the swing lever, wherein the elastic members have continuous contact with the idle gears". The Examiner disagrees. In response, the Examiner maintains the position that the elastic members (pins through each of 285a and 285b) are disposed between the idle gear and the swing lever to contact the idle gear closely to the swing lever. The elastic members, as a matter of inherency, are between and in constant contact with the gears and swing lever. Without providing a standard for ascertaining the requisite degree, all materials have a degree of elasticity.

Applicant's arguments regarding Nakamura have been fully considered but they are not persuasive. Applicant argues Nakamura fails to disclose "...elastic members disposed between the idle gears and the swing lever to contact the idle gears closely to the swing lever, wherein the elastic members have continuous contact with the idle gears". The Examiner disagrees. In response, the bearings and bearing races are indeed disposed between the idle gears and swing lever to contact the idle gears closely to the swing lever, wherein the elastic members have continuous contact with the idle gears. Secondly, Applicant has not defined the degree of elasticity of the elastic members. Without providing a standard for ascertaining the requisite degree, all materials have a degree of elasticity.

Applicant's arguments regarding Deschamps have been fully considered but they are not persuasive. Applicant argues Deschamps fails to disclose "...a main clutch gear movably disposed at a rotation axis and coupled to the driving source to be rotated on the rotation axis". The Examiner disagrees. In response, gear 17 is coupled, rotatably, to the drive source.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3651

4. Claims 1,22 are rejected under 35 U.S.C. 102(b) as being anticipated by Yun USP 5,854,696.

Yun discloses a similar driving apparatus (fig.15) comprising:

- A driving motor (80)
- A scanner driving part (89) (C5/L37-58)
- A printer driving part (86) (C5/L59-67, C6/L1-8)
- A power switching part (84) disposed with the driving motor (C5/L6-35) (fig.2,3)
- A first clutch (83)
- A first actuating lever (82)
- A swing gear train disposed between the power switching part and the scanner driving part (fig.2-5)

5. Claims 24,25 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakakura USP 4,967,239.

Sakakura discloses a similar power transmitting apparatus (fig.15) comprising:

- A swing gear disposed disposed at a first frame
- A swing lever formed of a V-shaped form (fig.19)
- A pair of idle gears (285a, 285b) respectively disposed at both ends of the swing lever
- Elastic members (pins through each of 285a and 285b) disposed between the idle gear and the swing lever to contact the idle gear closely to the swing lever
- Wherein the elastic members have continuous contact with the idle gears (fig.19)

Art Unit: 3651

- A body comprising a V-shaped form and comprising an axis hole
- Engaging projections formed at both ends of the body to rotatably support the idle gears (each wing of the V-shaped body is an engaging projection)

6. Claims 24,25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura USP 5,419,543.

Nakamura discloses a similar power transmitting apparatus (fig.3-5) comprising:

- A swing gear (62) disposed at a first frame
- A swing lever formed of a V-shaped form
- A pair of idle gears (64e,64f) respectively disposed at both ends of the swing lever
- Elastic members (bearings, bearing races; fig.4) disposed between the idle gear and the swing lever to contact the idle gear closely to the swing lever
- Wherein the elastic members have continuous contact with the idle gears
- A body comprising a V-shaped form and comprising an axis hole
- Engaging projections (65c,66c) formed at both ends of the body to rotatably support the idle gears

7. Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Deschamps USP 4,770,555.

Deschamps discloses a similar power switching apparatus comprising:

- A main clutch gear (17) movably disposed at a rotation axis and coupled to the driving source (3)
- First and second clutch gears (19) rotatably disposed at the rotation axis
- A clutch spring (23)
- A compulsory power switching unit (22)

Allowable Subject Matter

8. Claims 3,4,5,23,26,28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3651

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
9/22/2006


GENE Q. CRAWFORD
SUPERVISORY PATENT EXAMINER